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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,726	12/19/2001	James R. H. Challenger	AUS920010856US1	2131

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT PAPER NUMBER

2145

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,726

Applicant(s)

CHALLENGER ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/19/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 9C, item 964. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Applicant is also reminded that patent documents are available for the public record and should not have references to possibly objectionable acronyms as found on page 49 of the specification within said embedded hyperlinks.

Claim Rejections - 35 USC § 112

3. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 10 is dependent upon claim A1. There is insufficient antecedent basis for this limitation in the claim, being that there is no claim A1 in the set of submitted claims. For purposes of compact

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prosecution, the Examiner will treat claim 10 as being dependent upon claim 1 utilizing a broad assumption of dependency based upon the dependency of similar claims 21 and 32.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 8, 11-12, 19, 22-23 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Daugherty et al. (U.S. Patent No. 6,345,292).

7. In regard to claims 1, 12 and 23, Daugherty discloses a method, apparatus, and computer program product in a computer readable medium comprising *searching a cache to determine that a set of fragments associated with a set of source identifiers are not in the cache, wherein a source identifier identifies a source location for obtaining a fragment; sending a first request message comprising the set of source identifiers; and receiving a first response message comprising the set of fragments*. Daugherty discloses reading a XML data structure to determine what HTML clips are needed, searching a cache for those HTML clips, and providing the HTML clips to the requesting client. See Daugherty, column 5, line 49 – column 6, line 13. By this rationale claims 1, 12 and 23 are rejected.

8. In regard to claims 4-5, 15-16, and 26-27, Daugherty is applied as in claims 1, 12 and 23. Daugherty further discloses receiving a second request message; retrieving the set of source identifiers from the second request message, and sending a second response message comprising the set of fragments. Daugherty discloses use of a second server that supplies clips that were requested yet unavailable to the first server. See Daugherty, column 6, lines 39-46. The second request message and

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second response message are inherent to a request to a second server for clips unavailable to the first server. By this rationale claims 4-5, 15-16 and 26-27 are rejected.

9. In regard to claims 8, 19, and 30, Daugherty is applied as in claims 1, 12 and 23. Daugherty further discloses a *source identifier is formatted as a URI (Uniform Resource Identifier)*. See Daugherty, column 5, lines 60-65, which teaches that the cache key built based on the XML data structure includes the identification of the provider, which would be the *URI*. By this rationale claims 8, 19 and 30 are rejected.

10. In regard to claims 11, 22 and 33, Daugherty discloses *receiving a request message at a server, wherein the request message comprises a set of source identifiers for a set of fragments; generating a response message comprising the set of fragments; and sending the response message*. Daugherty has disclosed the client side of this operation in column 5, line 49 – column 6, line 13, as claimed in claims 1, 12 and 23. Claims 11, 22 and 33 are the server side of this operation. Since the client side has been described in claims 1, 12 and 23, the server side is inherent to the operation but can also be taught in column 5, line 49 – column 6, line 13 of Daugherty. By this rationale claims 11, 22 and 33 are rejected.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-3, 13-14 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Daugherty and Official Notice.

13. In regard to claims 2-3, 13-14, and 24-25, Daugherty is applied as in claims 1, 12 and 23. Daugherty fails to disclose that a fragment can link to more fragments using source identifiers. However, it would be obvious to one of ordinary skill in the art that the process could be repeated as many times as

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necessary on a retrieved fragment if the system detected that the retrieved fragment contained XML code linking to other fragments. Such a process is called recursion and the office takes Official Notice that recursion has been well known in the field of computer science for decades. By this rationale claims 2-3, 13-14 and 24-25 are rejected.

14. Claims 6-7, 17-18 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daugherty and RFC 1341.

15. In regard to claims 6, 7, 17, 18, 28 and 29, Daugherty is applied as in claims 5, 1, 16, 12, 27 and 23. Daugherty fails to disclose the use of MIME for a response message. However, RFC 1341 discloses that MIME message formats have been in existence since June 1992. See RFC 1341, page 1. It would be obvious to one of ordinary skill in the networking art at the time of the invention to use MIME messaging formats for a multitude of purposes in conjunction with Daugherty, because MIME is a standard messaging format for the Internet that could be read on any terminal. By this rationale claims 6, 7, 17, 18, 28 and 29 are rejected.

16. Claims 9-10, 20-21 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daugherty and Donohue (U.S. Patent No. 5,987,480).

17. In regard to claims 9, 20 and 31, Daugherty is applied as in claims 2, 13 and 30. Daugherty fails to disclose the use of SGML, but discloses the use of XML and HTML, which are other markup languages. However, Donohue discloses that SGML is a common markup language. See Donohue, column 2, lines 2-3. It would be obvious to one of ordinary skill in the art to use SGML with Daugherty for a number of purposes, including as a linking element. Donohue gives motivation in column 1, lines 55-65, which states that markup languages can show where other portions of the document should be retrieved. By this rationale claims 9, 20 and 31 are rejected.

18. In regard to claims 10, 21 and 32, Daugherty is applied as in claims 1, 12 and 23. Daugherty fails to explicitly disclose the use of HTTP responses and requests. However, Donohue discloses that HTTP is the communications protocol for the web, and is used for data transfer. See Donohue, column 1, lines

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42-54. It would be obvious to one of ordinary skill in the networking art to use HTTP with Daugherty for a multitude of purposes, including sending response and request messages, to build a web page in a browser. By this rationale claims 10, 21 and 32 are rejected.

Conclusion


19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nehab et al.	U.S. Patent No. 6,029,182
Nazem et al.	U.S. Patent No. 5,983,227
Agrawal et al.	U.S. Pub. No. 2002/0004813
Lafer et al.	U.S. Patent No. 6,192,382
Blinn et al.	U.S. Patent No. 5,897,622

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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